

**REMARKS**

Reconsideration of this application is respectfully requested.

Claims 25-28 were objected to as being mis-numbered. The numbering of claims 25-28 has been corrected.

Claims 1-6, 9-16 and 19-25 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent 6,481,003 (Maeda). Claims 7, 8, 17, 18, and 26-28 were objected to as being dependent on a rejected base claim.

Applicants acknowledge with appreciation the Examiner's indication that claims 7, 8, 17, 18, and 26-28 would be allowable if rewritten in independent form, including all the limitations of the base claims and any intervening claims. Claims 1 and 12 have been rewritten to include the features of respective claims 7 and 17, which are canceled without prejudice. Claim 21 is amended to include the features of claim 26, except for the limitation that "the pattern is a positive pattern," which is not necessary for patentability of claim 21. The independent claims 1, 12 and 21 should all be allowable.

Claim 8, 18, and 27-28 have been amended to depend on amended independent claims 1, 12 and 21, respectively. Dependent claims 3-6, 8-11, 13-16, 18-20 and 22-28 should all be allowable, at least for the reasons set forth above with respect to the independent claims.

Claim 2 was rejected under 35 U.S.C. § 102 as being anticipated by Maeda. Claim 2 is rewritten in independent form, including the features of original claim 1. The rejection of claim 2 is respectfully traversed. Claim 2 recites:

the measured portion of the beam has a first frequency distribution  
if the positioning stage has a zero offset, and a second frequency  
distribution if the positioning stage has a non-zero offset

Maeda neither discloses nor suggests this feature. The Action alleges that col. 14, line 0 through col. 15, line 10 disclose this feature. However, the cited passage only discusses coordinate transformation matrices. The entirety of Maeda makes no mention of the beam

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frequency distribution. Nor does Maeda include any term that conveys related information, such as wavelength distribution or spectrum. The subject matter of claim 2 is simply not contained anywhere in Maeda. Therefore the rejection of claim 2 as being anticipated by Maeda should be withdrawn.

Dependent claim 13 also includes the above recited features of claim 2, and should be patentable for the same reasons.

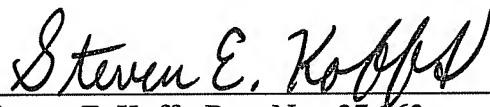
New claim 29 requires measuring at least one of the group consisting of transmitted and scattered portions of the beam. Maeda neither discloses nor suggests this feature. Maeda only teaches measuring reflected portions of the beam. Therefore, claim 29 should be patentable over the prior art of record.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

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